

Archer&Greiner P.C.
ATTORNEYS AT LAW

Ronald D. Coleman
*Member of New Jersey
and New York Bars*
rcoleman@archerlaw.com
201-342-6000 Direct

44 Wall Street, 12th Floor
Suite 1285
New York, NY 10005
212-292-4998 Main
212-461-2223 Fax
www.archerlaw.com

September 25, 2015

VIA ECF AND FEDERAL EXPRESS

Hon. Denise Cote, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Room 1610
New York, NY 10007

Re: Ballabon v. Straight Path IP Group
Case No. 15:cv:5016 (DLC)

Dear Judge Cote:

We represent petitioner Jeffrey Ballabon. As discussed in the initial conference before Your Honor, we write in connection with our intention to file the pleading with the indicated redactions enclosed in our copy of this letter to be delivered to chambers and to counsel for respondent by email.

It had been our hope to work out, or to at least resolve some of, the issues involving these redactions with our adversaries prior to this submission. Unfortunately the press of time, including the intervening Jewish holiday and other litigation responsibilities, made this impossible.

The reason Mr. Ballabon requests these redactions is that petitioner is obligated under a protective order, entered into as part of the underlying arbitration, to request the sealing of certain materials. Although that order's strict terms require that any pleading seeking vacatur of the arbitration award be filed under seal, that requirement, besides being of questionably validity under applicable law (as set out in our previous correspondence on this matter) has been vitiated by respondent's own filing on ECF of the original petition and its response without requesting a seal.

The redactions requested here represent this office's good faith attempt to identify information that is arguably sensitive or proprietary, i.e., not publicly available; or which otherwise only could have come to petitioner's knowledge through the arbitration process.

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Thank you for your consideration.

Respectfully submitted,

ARCHER & GREINER
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BY: 
Ronald D. Coleman

Enc. (Federal Express only)
cc: Jason Cyrulnik, Esq.
Casey D. Laffey, Esq.